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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AKERMAN LLP

1160 TOWN CENTER DRIVE, SUITE 330
12 LAS VEGAS, NEVADA 89144
13 TEL.: (702) 634-5000 - FAX: (702) 380-8572

MICHAEL BONDI,

Plaintiff,

v.

NATIONSTAR MORTGAGE LLC, a Delaware
Corporation; BANK OF AMERICA N.A., DOES
I-X , inclusive, and ROE CORPORATIONS I-X,
inclusive,

Defendants.

Case No.: 2:14-cv-001215-LDG-GWF

**STIPULATION AND ORDER TO TAKE
DEPOSITION OUTSIDE OF THE CLOSE
OF DISCOVERY**

(First Request)

Defendants Nationstar Mortgage, LLC (Nationstar), Bank of America, N.A. (**Bank of America**) and Plaintiff Michael Bondi (**Plaintiff**) respectfully submit the following stipulation to take the deposition of Bank of America's Rule 30(b)(6) repetitive outside of the discovery deadline. This is the parties' first request to take a deposition outside of the discovery deadline, and is submitted in resolution of the discovery dispute detailed in Bank of America's Motion for Protective Order [Dkt. 48].

1 **I. INTRODUCTION.**

2 This lawsuit arises out of a dispute regarding the alleged agreement to waive collection on a
3 second mortgage following the 2009 foreclosure on plaintiff's property. Plaintiff asserts causes of
4 action under the FDCPA and FCRA as well as claims of Fraud, Misrepresentation and Civil
5 Conspiracy.

6 Discovery in this matter presently closes on March 14, 2016. On March 5, 2016, plaintiff
7 served 2 deposition notices for the "person most knowledgeable" for Bank of America and
8 Nationstar. The notices did not contain topics and set the depositions both on March 14, 2016 and
9 both in Las Vegas, Nevada. Though the parties were able to resolve their dispute with regard to the
10 Nationstar Notice of Deposition, Bank of America filed a motion for protective order on March 11,
11 2016 [Dkt. 48]. Following the filing of the motion for protective order, the parties came to an
12 agreement to resolve the discovery dispute and submit this stipulation and order in accordance with
13 that agreement:

14 **II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED.**

16 On January 14, 2016, the court entered an order granting plaintiff a second extension of
17 discovery, which set the following deadlines: and set the following deadlines:

- 18 (a) Discovery Cut Off: March 14, 2016
19 (b) Deadline to File Motions or Amend Pleadings: N/A
20 (c) Initial Expert Disclosures Deadline: N/A
21 (d) Rebuttal Expert Disclosures Deadline: N/A
22 (e) Dispositive Motion Deadline: April 13, 2016

23 The following discovery has been completed:

- 24 1. Defendants have propounded Interrogatories, Requests for Admission and Requests
25 for Production of documents upon plaintiff.
26 2. Plaintiff had propounded written discovery on both Nationstar and Bank of America,

- 1 3. All parties have provided initial disclosures,
2 4. The deposition of plaintiff was completed on March 9, 2016.
3 5. The deposition of Nationstar's Rule 30(b)(6) witness was completed on March 14,
4 2016.

5 **II. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE COMPLETED.**

- 6 1. Deposition of Bank of America's Rule 30(b)(6) witness

7 **III. REASON WHY EXTENSION IS REQUIRED.**

8 Discovery in this case closes on March 14, 2016. Plaintiff served deposition notices on
9 March 5, 2016 for both Nationstar and Bank of America's "Person Most Knowledgeable", which
10 contained no topics and set the depositions in Las Vegas, Nevada. The short notice and lack of
11 topics did not allow a Bank of America witness to be identified and produced. The full details of the
12 discovery dispute is outlined in Bank of America's Motion for Protective Order [Dkt. 48]. In
13 resolution of that motion, the parties agree as follows:

- 14 (1) The deposition of Bank of America's Rule 30(b)(6) witness may be taken outside the
15 close of discovery, up to and including March 28, 2016.
16 (2) Bank of America will produce its witness in Dallas, Texas.
17 (3) Plaintiff's counsel may take the deposition by telephone or videoconference to avoid
18 the expense of travel to Dallas, Texas.
19 (4) There will be no extension of the present dispositive motion deadline; and
20 (5) The deposition topics will be as follows:
21 (i) Bank of America's credit reporting of Bondi's second mortgage loan;
22 (ii) The timing of the service transfer of Bondi's second mortgage loan from Bank of
23 America to Nationstar; and
24 (iii) The existence of any record of a deficiency waiver agreement by Bank of
25 America on Bondi's second mortgage loan.

1 The court has not granted any previous request to take a deposition in this matter outside the
 2 close of discovery.

3 **IV. CONCLUSION**

4 The parties agree that allowing Plaintiff to take Bank of America's Rule 30(b)(6) deposition
 5 outside of discovery is appropriate given the circumstances and will promote the expeditious
 6 resolution of this case. This stipulation and order will also render the pending Motion for Protective
 7 Order [Dkt. 48] moot as resolved.

8 DATED this _____ day of March, 2016.

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15 **ORDER**

16 **IT IS SO ORDERED:**

17 
 18 George Foley Jr.
 19 UNITED STATES MAGISTRATE JUDGE

20 **DATED:** March 17, 2016